

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, APRIL 4, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings, adopted on March 29, 2004, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, April 4, 2005, and may continue into Tuesday, April 5, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Claim of Joyce Sanders and Terry Mills*

Claim Nos. LP05-7773-0885 and LP05-7773-0886

DCA assigned McGuinness

This matter involves a sewer back-up causing damage to two residential properties. In closed session, the City Attorney will brief the Mayor and City Council on the matter and discuss possible settlement.

CS-2 (a) *United States of America v. City of San Diego,*
U.S. District Court No. 03-CV-1349-K

b) *San Diego BayKeeper/Surfrider Foundation v. City of San Diego,*
U.S. District Court No. 01-CV-0550-B

DCA assigned: Bromfield

Each of these lawsuits allege violations of the federal Clean Water Act due to sewer system overflows experienced by the City from December 1996 to the present. For judicial economy, both cases were consolidated and the parties have been exploring potential resolutions. The Mayor and City Council will be briefed on a proposed resolution involving a Partial Consent Decree effective through June 30, 2006 while reactivating negotiations on a Final Consent Decree by December 31, 2005. The legal implications and recommendations on the partial settlement will be discussed by the City Attorney and City Manager.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-3 Agency negotiators: Lamont Ewell, Cathy Lexin, Mike McGhee

Employee organizations: Municipal Employees Association, Local 127
AFSME, AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-4 Title: City Clerk